



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC 30-41
Regulation title	Rules and Regulations Governing Relocation Assistance
Action title	Revisions due to Change in Federal Regulations
Final agency action date	February 14, 2005
Document preparation date	February 10, 2005

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation sets forth the rules and procedures VDOT will follow in providing relocation services and payment to property owners displaced by highway improvement projects. It is partially based on the Uniform Relocation Assistance and Real Property Acquisition Act, which is implemented by 49 CFR Part 24. The Federal Highway Administration (FHWA) published a Final Rule outlining revisions to the federal regulation in the *Federal Register* in Volume 70, Number 2, dated January 4, 2005, with a February 3, 2005 effective date. These changes were the result of a multi-year comprehensive revision of the federal regulation, which had not been fully reviewed or updated since its issuance in 1989. These changes are intended to:

- clarify present requirements;
- meet modern needs; and
- improve the service to individuals and businesses affected by federal or federally-assisted projects while at the same time reducing the burdens of government regulations.

The FHWA also issued instructions providing for a one-year transition period to allow state DOTs to update their manuals, regulations, and other pertinent documentation. The Office of the Attorney General

reviewed the changes, and affirmed that this regulatory action is exempt from the operation of Article 2 of the Administrative Process Act because it resulted from changes in federal law or regulation (§ 4006 (A) (4) (c)).

VDOT has made the following changes to the regulation to comply with the revised federal regulation:

- Page 2 - 24 VAC 30-41-30. "Definitions – Comparable replacement housing" - Revise #2 as shown.
- Page 3 - 24 VAC 30-41-30. "Definitions – Comparable replacement housing" - Revise #6 as shown.
- Page 4 - 24 VAC 30-41-30. "Definitions – Decent, Safe, and sanitary housing" - Revise #1 as shown.
- Page 5 - 24 VAC 30-41-30. "Definitions – Decent, Safe, and sanitary housing" - Revise #6 as shown. In #7, replace "handicapped" with "disabled."
- Page 7 - 24 VAC 30-41-30. "Definitions" - Add term "Dwelling site" with definition.
- Page 8 - 24 VAC 30-41-30. "Definitions – Financial means of the displaced person" - Revise #3 as shown.
- Page 10 - 24 VAC 30-41-50. "Withholding of relocation payment" - Delete first sentence, and revise second sentence as shown.
- Page 19 - 24 VAC 30-41-110. "Relocation planning at acquisition stage" – Delete phrase "handicaps or" from #4.
- Page 30 - 24 VAC 30-41-190. "Minimum advisory assistance service requirements" - Change "handicapped" to "disabled."
- Pages 30 & 31 - 24 VAC 30-41-190. "Minimum advisory assistance service requirements" - Add guidelines as shown in #9, #12 - 15.
- Page 38 - 24 VAC 30-41-210. "Actual reasonable moving costs (Residential)" – Revise #4 and #5, and add #6 to list as shown.
- Page 39, 24 VAC 30-41-220. "Moving expense schedule" – Add revision date to accompany effective date of Guidance Document.
- Page 40 – 24 VAC 30-30-41-230. "General" - Change \$1,000 to \$2,500 in #2.
- Page 43 - 24 VAC 30-41-250. "Actual reasonable moving costs (Business)" – Add three new moving cost items after #8 (new #9 – 11), and re-number existing item #9 to #12 as shown.
- Page 46 - 24 VAC 30-41-280. "Low value, high bulk personal property" – Revise paragraph as shown.
- Page 47 – 24 VAC 30-41-290. "Actual direct losses of tangible personal property" – Add revision date to accompany effective date of Guidance Document as shown.

- Page 48 & 49 – 24 VAC 30-41-300. “Searching expenses” - Change \$1,000 to \$2,500 in (A). Add search costs items #5 & #6 in (A). Add revision date to accompany effective date of Guidance Document as shown.
- Page 49 & 50 – 24 VAC 30-41-310. “Reestablishment expenses” – Delete items #4, #7, #9, & #11 and re-number remainder as shown. Add revision date to accompany effective date of Guidance Document as shown.
- Page 55 - 24 VAC 30-41-320. “Fixed payment in lieu of actual costs” - Add revision date to accompany effective date of Guidance Document as shown.
- Pages 57 & 58 – 24 VAC 30-41-350. “Partially eligible occupants” – Revise first and second sentences as shown.
- Pages 65 & 66 – 24 VAC 30-41-430. “Purchase supplement payment computation” - Add revision date to accompany effective date of Guidance Document as shown. Delete #3.
- Page 78 – 24 VAC 30-41-500. “Incidental expenses” - Revise #4 as shown.
- Page 79 - 24 VAC 30-41-510. “Owner-occupant for 180 days or more who rents” - Delete phrase “not to exceed \$5,250.”
- Page 80 – 24 VAC 30-41-520. “General” - Add revision date to accompany effective date of Guidance Document.
- Page 82 – 24 VAC 30-41-530. “Payment Computation” – Revise computation in subsection (C) #2 & #3.
- Page 84 – 24 VAC 30-41-580. “Section 8 Housing Assistance Program” - Revise title to “Section 8 Housing Assistance Program for low income families.”
- Page 87 - 24 VAC 30-41-580. “Section 8 Housing Assistance Program” - Revise subsection (D) as shown.
- Page 99 – 24 VAC 30-41-650. “General” - Add revision date to accompany effective date of Guidance Document as shown.
- Page 100 - 24VAC 30-41-660. “Utilization of last resort housing” - Revise #3 as shown.
- Page 102 - 24 VAC 30-41-680. “Last resort housing alternative solutions” - Change “handicapped” to “disabled” in #7.
- Pages 109-110 - FORMS – Change revision dates for RW-59 (3) and RW-67B.
- Page 110 - Add revision date to accompany effective date of Guidance Document as shown.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

By signature of the Deputy Commissioner on the Transmittal Form RR04 dated February 14, 2005, the Virginia Department of Transportation revised the *Rules and Regulations Governing Relocation Assistance* (24 VAC 30-41-10 et seq.). Formal notice of the revisions should appear in the March 7, 2005, edition of *The Virginia Register*.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action is intended to improve the relocation services provided to individuals affected by federal or federally-assisted projects. To the extent that families receive these services, this action will have a positive impact on families by ensuring that each member has access to decent, safe, and sanitary housing, and is able to obtain satisfactory replacements for homes and businesses.